



Docket No. END-5209

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Christopher Hess et al.

Serial No. : 10/673,928 Art Unit: Not assigned

Filed : September 29, 2003 Examiner: Not assigned

For : ENDOSCOPIC MUSOSAL RESECTION DEVICE WITH OVERTUBE  
AND METHOD OF USE

I hereby certify that this correspondence is being deposited with the  
United States Postal Service as first class mail in an envelope addressed  
to: Commissioner For Patents, PO Box 1450, Alexandria, VA 22313-1450 on

December 12 2003  
(Date of Deposit)

Linda F. Hansen  
(Name of person signing, applicant, assignee, or Registered Representative)

Linda F. Hansen  
signature

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

Dear Sir:

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicant(s) reserve(s) the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified national application (other than a continued prosecution application under §1.53(d)), within three months of the date of entry into the national stage of the above identified application as set forth in §1.491, or before the mailing date of a first Office Action on the merits of the above-identified application, or before the mailing date of a first Office Action after the filing of a request for continued examination under §1.114, no additional fee is required.

In accordance with §1.129(a), this Information Disclosure Statement is being filed in connection with  the first or  second After Final Submission, therefore:

- Statement in Accordance with §1.97(e)  
(attached); or
- Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of:

- Statement in Accordance with §1.97(e)  
(attached); or

Please charge Deposit Account No. 10-0750/ / the fee of \$180.00 as set forth in §1.17(p).

In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in §1.17(p).

Copies of each of the international references listed on the attached Form PTO-1449 are enclosed herewith.

Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT:

In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

If any of the foregoing publications are not available to the Examiner, Applicant will endeavor to supply copies at the Examiner's request.

There are no listed references which are not in the English language.

The relevance of those listed references which are not in the English language is as follows:

Attached are copies of search report(s) from corresponding patent application(s), which are listed on the attached Submission Under MPEP 609 D.

Attached are the following non-published pending patent applications which may be deemed relevant, which are listed on the attached Submission Under MPEP 609 D.

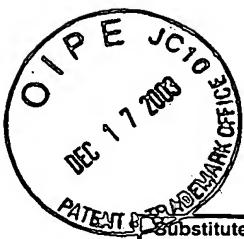
Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/END 5209/GSG.

Respectfully submitted,



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Attorney for Applicants

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(513) 337-3535  
DATED: December 12 2003



PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031

U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE  
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Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 1 of 2

Application Number

10/673,928

Filing Date

September 29, 2003

First Named Inventor

Christopher Hess et al.

Group Art Unit

Not assigned

Examiner Name

Not assigned

Attorney Docket Number

END-5209

### U.S. PATENT DOCUMENTS

Examiner Initials	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear
		Number	Kind Code <sup>2</sup> (if known)			
		4,620,547	A	Boebel	11-04-1986	ALL
		4,909,782	A	Semm et al.	03-20-1990	ALL
		4,955,882	A	Hakky	09-11-1990	ALL
		5,662,712	A1	Pathak et al.	09-02-1997	ALL
		5,697,943	A1	Sauer et al.	12-16-1997	ALL
		6,149,581	A1	Klingensteine	11-21-2001	ALL
		US 2001/0053909		Nakada et al.	12-20-2001	ALL
		6,394,949	B1	Crowley	05-28-2002	ALL
		6,402,764	B1	Hendrickson et al.	06-11-2002	ALL
		US2002/0183768	A1	Deem et al.	12-05-2002	ALL
						ALL
						ALL

### FOREIGN PATENT DOCUMENTS

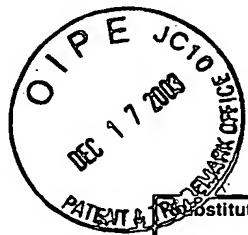
Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
		WO	81/01363	A1	Frost	05-28-1981	ALL	
		EP	0919191	A2	Roesser	06-02-1999	ALL	
		GB	2,365,340	A	Appleyard et al.	02-20-2000	ALL	
		EP	0736285	A2	Larsen et al.	11-26-2003	ALL	
							ALL	
							ALL	

Examiner Signature	Date Considered
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\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

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Sheet 2 of 2

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		Number	Kind Code <sup>2</sup> (if known)			
		US 6,503,259	B2	Huxel et al.	01-07-2003	ALL
		US2003/0014064	A1	Blatter	01-16-2003	ALL
		US2003/0065359	A1	Weller et al.	04-03-2003	ALL
		US2003/0065345	A1	Weadock	04-03-2003	ALL
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Examiner Initials	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document mm-dd-yyyy	Pages, Columns, Lines, where relevant passages or relevant figures appear	T <sup>6</sup>
		Office <sup>3</sup>	Number <sup>4</sup>	KindCode <sup>5</sup>				
							ALL	
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